

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twenty First Judicial District Court, County of Ravalli

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|-------------------|---|---------------------|
| STATE OF MONTANA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CAUSE NO. DC-16-034 |
| -vs- |) | |
| |) | DECISION |
| JENNY LEE ZITO, |) | |
| |) | |
| Defendant. |) | |

On May 2, 2018, Defendant's deferred imposition of sentence for Charge I: Criminal Child Endangerment was revoked. Defendant was sentenced to the Department of Corrections for ten (10) years, with five (5) years suspended, with credit for 17 days of time served. The District Court recommended Defendant be screened for all appropriate non-prison and alcohol treatment placements. No credit for street time was given.

On October 5, 2018, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by videoconferencing from the Missoula Probation and Parole office and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).


The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.


Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

Done in open Court this 5th day of October, 2018.

DATED this 19 day of OCTOBER, 2018.

SENTENCE REVIEW DIVISION

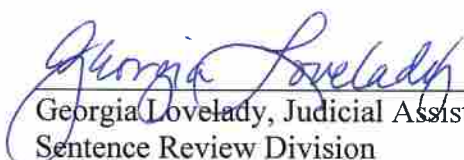

Hon. Kathy Seeley, Chairperson


Hon. Brenda Gilbert, Member


Hon. Dan Wilson, Member

Copies mailed this 27th day
of November, 2018, to:

Clerk of District Court (Original)
Jenny Lee Zito #3020301, Defendant (2)
Hon. Jeffrey Langton
Brent Getty, Defense Counsel
Angela Wetzsteon, Esq.
Board of Pardons and Parole
MWP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division